

SENT BY: HOWISON, &amp; ARNO;

972 479 0464

; APR-27-05 1:55PM;

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PTO/SB/26 (08-03)

Approved for use through 07/31/2006. OMB 0651-0031  
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TERMINAL DISCLAIMER TO OBLIGATE A DOUBLE PATENTING  
REJECTION OVER A PRIOR PATENTDocket Number (Optional)  
DDYN-28,885

In re Application of: Anthony B. Wood

Application No.: 10796,583

Filed: March 9, 2004

For: Diffuser/Emulsifier for Use in a Aquaculture Applications

The owner\*, Microdiffusion, Inc., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,702,949. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

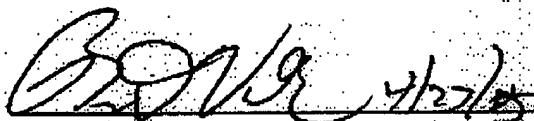
In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later expires for failure to pay a maintenance fee; is held unenforceable; is found invalid by a court of competent jurisdiction; is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1.  For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2.  The undersigned is an attorney or agent of record.



Signature

Date

04/28/2005 EFLORES 00000071 10796583

65.00 OP

Brian D. Walker

Typed or printed name

972-880-6054

Telephone Number

Terminal disclaimer fee under 37 CFR 1.20(d) included.

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\*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).  
Form PTO/SB/96 may be used for making this certification. See MPEP 5.324.

This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form, and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/21 (08-03)

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FORM

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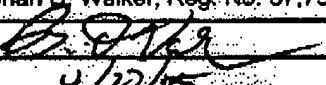
Total Number of Pages in This Submission

Application Number	10/796,583
Filing Date	03/09/2004
First Named Inventor	Weed
Art Unit	1723
Examiner Name	Terry K. Cecil
Attorney Docket Number	DDYN-26,685

## ENCLOSURES (Check all that apply)

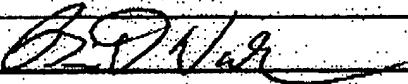
<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance communication to Technology Center (TC)
<input checked="" type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input checked="" type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input checked="" type="checkbox"/> Terminal Disclaimer	<input type="checkbox"/> Credit Card Form
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Response to Missing Parts/Incomplete Application	<input type="checkbox"/> Remarks: _____	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	HOWISON & ARNOTT, L.L.P. Brian D. Walker, Reg. No. 37,751
Signature	
Date	4/27/05

## CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name	Brian D. Walker	
Signature		Date 4/27/05

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including: gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/68B/17 (10-04v2)

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## FEE TRANSMITTAL for FY 2005

Effective 10/01/2004. Patent fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27

**TOTAL AMOUNT OF PAYMENT** **(\$)** 65.00

### Complete If Known

Application Number	10/796,583
Filing Date	March 9, 2004
First Named Inventor	Anthony B. Wood
Examiner Name	Terry K. Cecil
Art Unit	1723
Attorney Docket No.	DDYN-26,685

### METHOD OF PAYMENT (check all that apply)

Check  Credit card  Money Order  Other  None

Deposit Account:

Deposit Account Number  
20-0780/DDYN-26,685

HOWISON & ARNOTT, L.L.P.

The Director is authorized to: (check all that apply)

Charge fee(s) indicated below  Credit any overpayments  
 Charge any additional fee(s) or any underpayment of fee(s)  
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

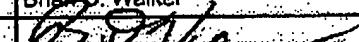
### FEE CALCULATION (continued)

#### 3. ADDITIONAL FEES

Large Entity Small Entity

Fee Code (5)	Fee Code (5)	Fee Code (5)	Fee Description	Fee Paid
1051 790	2051 395	1051 130	65 Surcharge - late filing fee or oath	
1052 350	2052 175	1052 50	26 Surcharge - late provisional filing fee or cover sheet	
1053 650	2053 275	1053 130	130 Non-English specification	
1004 790	2004 395	1812 2,520	1812 2,520 Filing a request for ex parte reexamination	
1005 160	2005 80	1804 920*	1804 920* Requesting publication of SIR prior to Examiner action	
		1805 1,840*	1805 1,840* Requesting publication of SIR after Examiner action	
		1251 110	1251 110 Extension for reply within first month	
		1252 430	1252 216 Extension for reply within second month	
		1253 980	1253 480 Extension for reply within third month	
		1254 1,530	1254 785 Extension for reply within fourth month	
		1255 2,080	1255 1,040 Extension for reply within fifth month	
		1401 340	1401 170 Notice of Appeal	
		1402 340	1402 170 Filing a brief in support of an appeal	
		1403 300	1403 150 Request for oral hearing	
		1451 1,510	1451 1,510 Petition to institute a public use proceeding	
		1452 110	1452 55 Petition to revive - unavoidable	
		1453 1,370	1453 685 Petition to revive - unintentional	
		1501 1,370	1501 685 Utility issue fee (or reissue)	
		1502 480	1502 245 Design issue fee	
		1503 880	1503 330 Plant issue fee	
		1480 130	1480 130 Petitions to the Commissioner	
		1807 50	1807 50 Processing fee under 37 CFR 1.17(q)	
		1806 180	1806 180 Submission of Information Disclosure Stmt	
		8021 40	8021 40 Recording each patent assignment per property (times number of properties)	
		1809 790	1809 395 Filing a submission after final rejection (37 CFR 1.129(e))	
		1810 790	1810 395 For each additional invention to be examined (37 CFR 1.129(b))	
		1801 790	1801 395 Request for Continued Examination (RCE)	
		1802 800	1802 900 Request for expedited examination of a design application	
			Other fee (specify) <b>(\$)</b>	65.00
			Reduced by Basic Filing Fee Paid	
			<b>SUBTOTAL (3) (\$)</b>	<b>65.00</b>

\*or number previously paid, if greater. For Reissues, see 6 above

SUBMITTED BY		(Complete if applicable)		
Name (Print/Type)	Brian D. Walker		Registration No. (Attorney/Agent)	37,751
Signature			Telephone	972-680-6054
			Date	

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